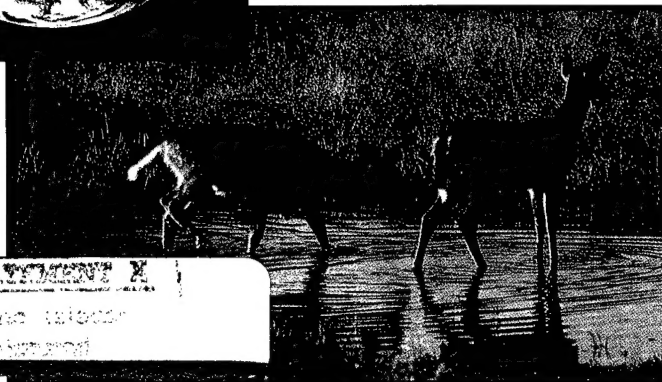


Army Leader's Guide to NEPA

National Environmental Policy Act



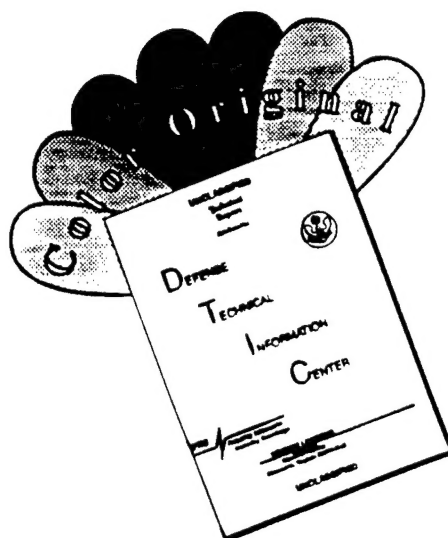
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United States Army
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Army Leader's Guide to NEPA

National Environmental Policy Act

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**United States Army
Training and Doctrine Command**

Fort Monroe, Virginia

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"Commanders are ultimately
responsible for complying
with environmental laws.

Legal requirements
notwithstanding, we must
comply because it is the
right thing to do."

Frederick M. Franks, Jr.
General, U.S. Army

October 1991



What Is NEPA?

The National Environmental Policy Act of 1969 (NEPA) requires Federal officials to analyze potential environmental impacts of proposed actions and alternatives prior to making decisions. The law applies to Army leaders and their activities.

NEPA sets forth a national policy for attaining harmony between people and nature, for promoting efforts to eliminate damage to the environment, and for better understanding ecological systems and natural resources.

The law establishes the Federal Government's policy to use all practicable means to create and maintain conditions under which people and nature can exist in productive harmony. NEPA is a vehicle to secure national goals of:

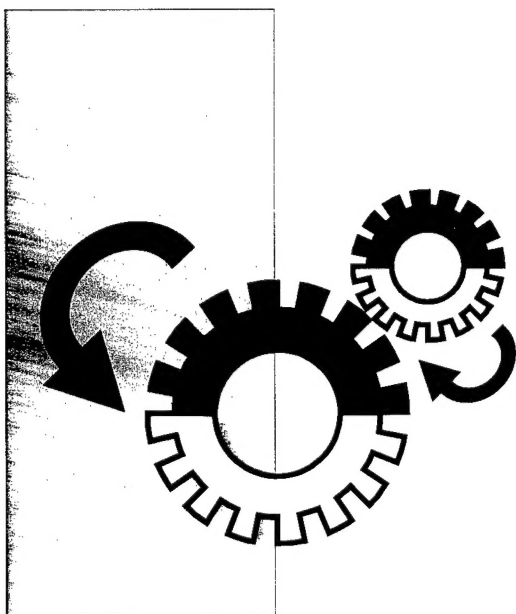
- ❑ Fulfilling responsibilities as trustees for future generations
- ❑ Assuring safe, healthful, productive surroundings
- ❑ Attaining beneficial uses of the environment
- ❑ Preserving important historic, cultural, and natural aspects of our national heritage
- ❑ Achieving a balance between population and resources
- ❑ Enhancing the quality of renewable resources and the recycling of depletable resources



What Makes NEPA Work?

NEPA contains an “action-forcing mechanism” for achieving its goals. It directs all Federal agencies to prepare a detailed statement related to every proposal for major Federal actions significantly affecting the quality of the human environment. The statement must include consideration of:

- ☐ Environmental impacts of the proposed action
- ☐ Any adverse environmental effects that cannot be avoided should the proposal be implemented
- ☐ Alternatives to the proposed action
- ☐ Relationship between local short-term uses of our environment and the maintenance and enhancement of long-term productivity
- ☐ Any irreversible and irretrievable commitments of resources



What Does the Law Require?

NEPA requires that environmental impacts are accounted for when deciding whether or how to implement a proposed action. Environmental impacts can manifest themselves in numerous ways, including:

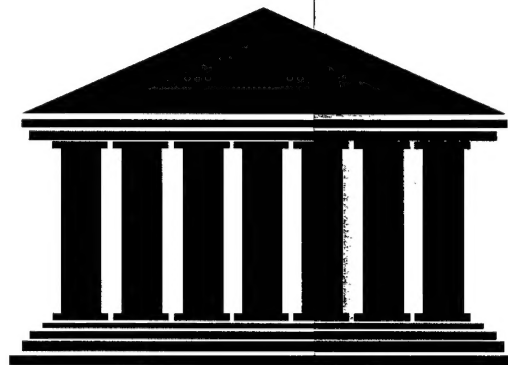
- ❑ An action may affect physical resources, such as land, water, or air.
- ❑ An action may affect biological resources, such as a particular species of plant or animal or part or all of an ecological system.
- ❑ An action may affect human health and safety, or it may affect socioeconomic, cultural, or historic resources.

The best course is to rely on technical and environmental experts to advise on an action's impacts and how to procure NEPA preparation contractors.

NEPA's intent is that any planning and, ultimately, a choice of action include consideration of environmental impacts. As an Army leader, you are proficient in weighing mission requirements, technical issues, schedule, and cost. NEPA adds one more factor to your decisionmaking matrix: environmental impacts.

NEPA mandates that you compile information on environmental impacts before making your decisions. The law and implementing regulations also require that you document any consideration of environmental impacts.

How identified impacts influence your decisionmaking is left to your discretion and good judgment.



What Is the Army's Policy on NEPA?

The Department of the Army wants to ensure the wise use of natural resources on Army land. As an Army leader, you are a steward of the Army's—and America's—environmental resources. You have a major role in carrying out the Army's goal of using natural resources wisely.

The Army's policy on NEPA is stated in Army Regulation (AR) 200-2:

The Department of the Army will identify significant environmental effects of proposed programs and projects in adequate detail.

The Department of the Army will employ all practicable means consistent with other essential considerations of national policy to minimize or avoid adverse environmental consequences and attain the goals and objectives stated in NEPA.

To do your part, you must seek to match your military mission activities with the ecological compatibility of the land and natural resources that are used.



Who Is Responsible for NEPA?

You are. In enacting NEPA, Congress was specific:

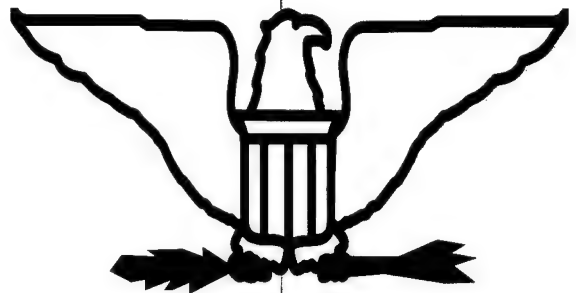
... each person should enjoy a healthful environment and
... each person has a responsibility to contribute to the
preservation and enhancement of the environment.

NEPA's decisionmaking process focuses on considering the detailed statement that identifies and analyzes environmental impacts. The process is entrusted to a "responsible official." For every proposal, someone makes the decision to proceed with, modify, or abandon the action. AR 200-2 refers to this official as the action's proponent.

Any DOD element or non-DOD entity may be a proponent. For instance, the National Guard would be a proponent for its proposed maneuver area. The local city may be the proponent for a new regional solid waste facility on installation lands.

In general, the proponent is the lowest level decisionmaker. It is the unit, element, or organization responsible for initiating or carrying out the proposed action.

Under AR 200-2, proponents of actions are responsible for integrating environmental planning into proposals at an early stage. *The proponent is responsible for both NEPA compliance and any documentation thereof.* While the proponent may or may not be the preparer of an environmental study, it is responsible for ensuring that adequate identification and analysis of environmental impacts occur. Another important responsibility of the proponent is to secure the funding for both the preparation of the environmental documentation and any mitigation actions.



How Can NEPA Help Your Mission?

NEPA is a highly useful planning tool for Army leaders.

- *It helps find the best solution* to complicated problems. NEPA's reliance on an interdisciplinary approach often results in performance, cost, and other improvements.
- *It helps identify true costs*—the full economic and environmental costs throughout the life of a proposed action—associated with mission-related activities. In the long run, it saves money.
- *It contributes to a better quality of life* for soldiers, dependents, and civilians who live and work on the installation.

Budget savings and better communities are worthy ends. Just as practical, NEPA can help you identify and eliminate weaknesses in proposed actions. The process of predicting impacts draws your attention to the full spectrum of outcomes—and can help you avoid tripping over a “show-stopper” too late.

NEPA also is a way to inform the public of your activities. When you apply the NEPA process, the public will realize that you care about important environmental values. Earning public support can help you achieve your mission.

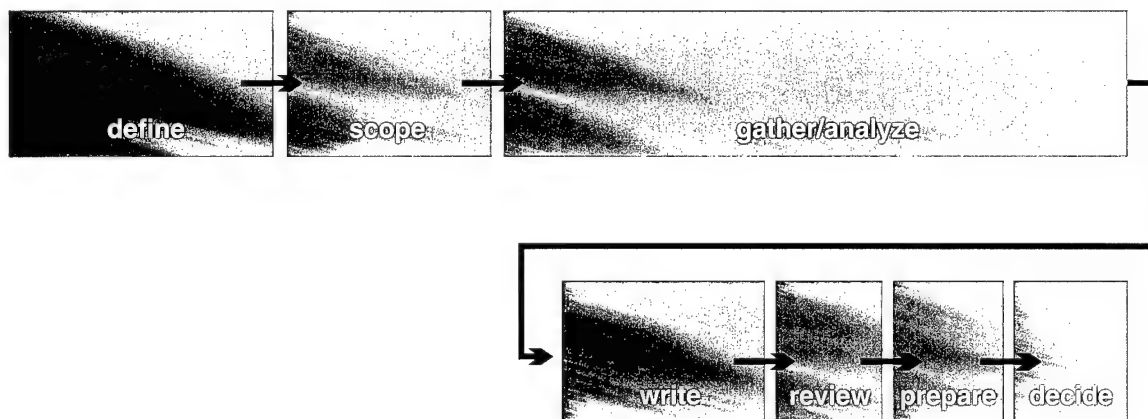


What Is the NEPA Process?

The “NEPA process” refers to all the procedural steps specified in the Council on Environmental Quality Regulations and AR 200-2.

Major steps in the NEPA process include:

- Defining a proposed action and feasible alternatives
- Deciding what relevant information must be gathered
 - The step called “scoping”
 - Involvement of the public and outside agencies for input
- Gathering and analyzing data
- Writing a draft document
- Reviewing the draft document
 - Public review and comment
 - Other agencies’ review and comment
- Preparing a final document
- Reaching a decision about the proposed action or alternatives



When Should the NEPA

Process Begin?

Several types of activities

trigger action under

NEPA, including

events and activities

-- Major training exercises

-- Research and development activities

-- Mission change

-- Range modification

Master planning

-- Facilities construction

-- Land use planning

-- Solid waste

feasibility studies

-- Natural resources management planning

Systems acquisition

-- Research and development

-- Procurement, fielding, and retirement

The process should start early. Your responsibilities under NEPA begin when enough is known about a proposal to allow you to estimate its effects on the environment.

Normally, you will have a good idea of the important “who, what, when, where, and how” quite early. The basics will not change much as the proposal moves forward. You will be able to identify and analyze environmental impacts well in advance of implementing an action.

Sometimes, details of a proposed action will evolve as its desired implementation date approaches. Modifying environmental studies in progress is easier when the proponent is responsible for the NEPA document’s accuracy. You should note that:

You do not have to wait until every detail of the action is defined before environmental and other experts can at least estimate impacts.

The earlier the planners know about potential environmental impacts, the more likely they will be able to refine their plans to avoid or lessen them. Early planning saves money.

The NEPA process takes time. Depending on several circumstances, preparing environmental impact documentation can take more than a year. Proper NEPA management will save time in the long run. As an Army leader, you ensure that environmental effects are taken into account before a decision is made to proceed with an action.

You should start early enough to finish on time.

What Documents Are Used for NEPA?

Six major documents help in meeting NEPA's requirements:

- 1. **Record of Environmental Consideration (REC).** The majority of proposed actions normally do not have significant impacts. AR 200-2 provides a list of 29 such "categorical exclusions." You may satisfy your legal obligation by executing a brief memorandum—the REC.
- 2. **Environmental Assessment (EA).** An EA is an abridged form of the statutory "detailed statement." An EA will indicate whether a proposed action or its alternatives will have significant impacts. It also identifies the potential for environmental impacts, large or small. An EA will lead to either:
 - **Finding of No Significant Impact (FNSI).** This summarizes why a proposed action will not result in significant impacts. Upon its issuance, the action may be implemented. AR 200-2 requires a public comment period.
 - **Notice of Intent (NOI).** When an EA indicates that the environmental impacts of a proposed action will be significant, an NOI to prepare a detailed statement will be published in the *Federal Register*.
- 3. **Environmental Impact Statement (EIS).** This is the detailed statement on the environmental impacts that a proposed action and its alternatives can cause. It is preceded by a draft EIS, which is made available to the public and other agencies. Along with technical, economic, and other factors, an EIS aids in deciding whether and how to implement an action.
- 4. **Record of Decision (ROD).** This document states the decision reached after consideration of an EIS.

REC

EA

FNSI

NOI

EIS

ROD

When Can You Use a Categorical Exclusion?

The Army recognizes 29 categories of actions that normally do not significantly affect the quality of the human environment. Actions fitting these categories require neither an EA nor an EIS.

Using a categorical exclusion, you meet your NEPA obligation if you determine:

- That the proposed *action is among the 29 categories* listed in AR 200-2, Appendix A
- That there are *no extraordinary circumstances* that could result in there being significant impacts, such as
 - ▣ impacts on threatened or endangered species of plants or wildlife
- That “*screening criteria*” are *satisfied*, such as
 - ▣ the proposed action is not a major Federal action significantly affecting the quality of the human environment
 - ▣ there are minimal or no individual or cumulative impacts

(The screening criteria are listed in Appendix A of AR 200-2.)

You can use a categorical exclusion to reduce paperwork and delay. About half of all actions amenable to categorical exclusion require a Record of Environmental Consideration memorandum. AR 200-2 contains the format for this one-page document.



Why Develop Alternatives?

NEPA requires the development and consideration of reasonable alternatives to proposed actions.

Virtually all planning involves, at least, early consideration of alternatives:

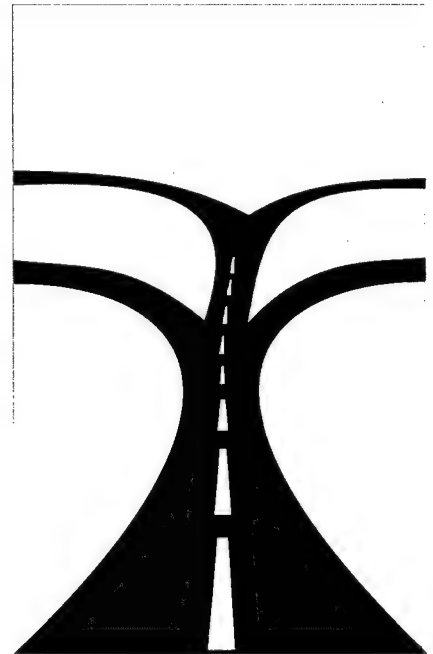
- ❑ Some are fundamentally different approaches to achieving an objective.
- ❑ Some are minor variations of a basic plan.
- ❑ Planners often focus on a single plan early on, rejecting alternatives because of schedule, cost, or other relevant factors. The NEPA process merely requires that environmental factors also be considered in the comparison of alternatives.

Alternatives to a proposed action are at the heart of NEPA. Their development and consideration lets you compare impacts. They sharply define issues. *Alternatives provide a clear basis for choice.*

Your objective is to consider alternatives to the proposed action that:

- ❑ Fulfill the purpose and need
- ❑ Address the significant issues
- ❑ Include a “no action” alternative
- ❑ Develop mitigation

Development of alternatives gives you a genuine opportunity to seize upon the best way to achieve a goal. You should evaluate the environmental impacts of all reasonable alternatives. If you find yourself wasting time with a “strawman” alternative, you may have rejected some alternatives too early.

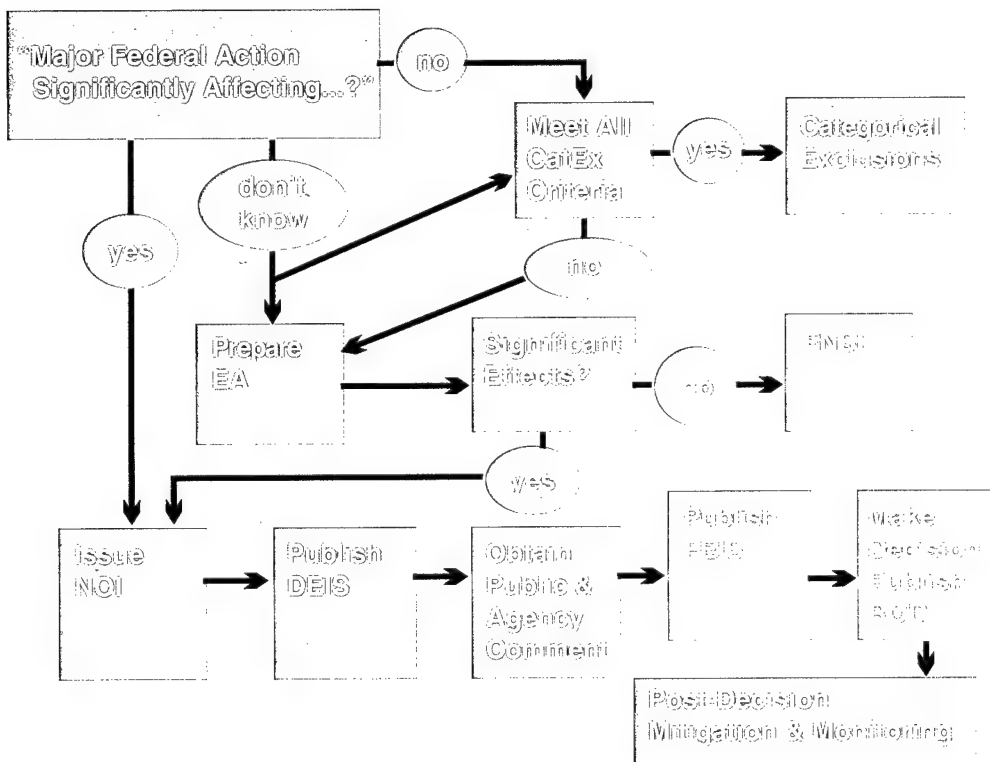


When Is an EIS Required?

You must prepare an EIS when a proposed action likely will significantly affect the quality of the human environment.

The vast majority of actions are known at the outset not to affect the environment significantly. For them, categorical exclusions and use of the Record of Environmental Consideration adequately reflect your NEPA compliance.

When a proposed action does not qualify for categorical exclusion, you must make a choice: prepare an EA or prepare an EIS. When you are unsure whether an action will pose significant impacts, begin with the preparation of an EA. If you discover significant impacts that cannot be mitigated during the EA process, you may begin the preparation of an EIS.



Having to prepare an EIS hinges on whether impacts are significant. Because neither NEPA nor the Council on Environmental Quality Regulations dictate when impacts must be considered significant, it is up to your informed good judgment.

The Council on Environmental Quality Regulations provide only guidance as to when impacts are significant. As an Army leader, you are responsible for determining whether an impact is significant by looking at its:

- **Context.** Look at the affected locality, region, or whole society. Significance varies with the setting in which the proposed action occurs.
- **Intensity.** Consider the *severity* of an impact. Look at the *degree* of the impact's effects. An impact may be beneficial or adverse.

NEPA stresses an interdisciplinary approach to environmental issues. You should not hesitate to ask for expert help in deciding whether impacts should be considered significant.

Under NEPA, the presence of significant impacts generally does not prohibit your implementing a proposed action. The NEPA process is designed to ensure that you make informed decisions among all the reasonable alternatives, including mitigation actions.

There is often potential for significant impacts when an action relates to public health or safety, historical or archeological resources, wetlands or coastal zones, or endangered or threatened species or their habitat. Consult Chapter 6 of AR 200-2 for a complete listing of nine occasions when potential significant impacts require the preparation of an EIS.

How Do EAs and EISs Compare?

EISs tend to be appreciably longer, more costly, more time-consuming, and more detailed than EAs. The following table compares major aspects of EAs and EISs.

Aspect	EA	EIS
Responsible official	Proponent	Proponent (Department of the Army involvement)
Purpose	<ul style="list-style-type: none"> ■ Determine if a proposed action poses significant impacts ■ Support NEPA's goals 	Document environmental impacts of major Federal action significantly affecting the quality of the human environment
Major steps	<ul style="list-style-type: none"> ■ Formulate proposed action and alternatives ■ Conduct informal scoping ■ Gather and analyze data ■ Prepare draft EA ■ Review draft EA ■ Prepare final EA ■ Issue FNSI or NOI ■ Obtain public comments 	<ul style="list-style-type: none"> ■ Formulate proposed action and alternatives ■ Issue NOI ■ Conduct public scoping ■ Gather and analyze data ■ Prepare draft EIS ■ Hold public meeting ■ Obtain public comments ■ Respond to comments ■ Prepare final EIS ■ Issue ROD
Minimum timeline	None specified	75 days
Typical timeline	4 to 8 months	10 to 20 months
Public involvement	Public given copies on request <ul style="list-style-type: none"> ■ Involvement of public comment ■ Coordination with Federal, state, and local agencies 	<ul style="list-style-type: none"> ■ Public given copies of documents on request ■ Involvement of public in scoping and commenting ■ Coordination with Federal, state, and local agencies and EPA

What Is Mitigation?

Mitigation is a feature of a proposed action or alternatives that lessens an adverse environmental impact. You will want to know about potential mitigation measures when deciding whether and how to implement your proposed actions or alternatives.

Mitigation is intended to reduce the effects of an action on the environment. There are five types of efforts:

- ❑ *Avoiding* the impact altogether by not taking a certain action or parts of an action
- ❑ *Minimizing* impacts by limiting the degree or magnitude of the action and its implementation
- ❑ *Rectifying* the impact by repairing, rehabilitating, or restoring the affected environment
- ❑ *Reducing* or *eliminating* the impact over time by preservation and maintenance operations during the life of the action
- ❑ *Compensating* for the impact by replacing or providing substitute resources or environments

Diminishing a particular impact may reduce its significance so that an EA will suffice instead of the preparation of an EIS.

Getting an early start on the NEPA process gives you more time to identify and integrate mitigation into your proposed action and alternatives. Keeping alert to possible mitigations is a useful—and potentially critical—cost-saving step.

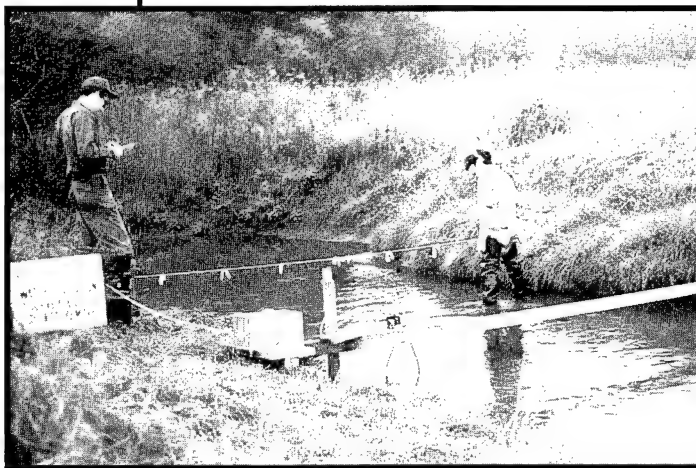
If a proposal is modified prior to implementation by adding specific mitigation measures that completely compensate for any adverse environmental impacts stemming from the original proposal, the statutory threshold of significant environmental effects is not crossed and an EIS is not required.

What Is Mitigation Monitoring?

Monitoring is an integral part of any mitigation efforts. AR 200-2 recognizes two types of mitigation monitoring programs:

- **Enforcement monitoring.** This ensures that mitigation is performed as described in environmental documents.
- **Effectiveness monitoring.** This measures the success of mitigation efforts. Measurement is based on scientific, quantitative investigation, not qualitative observation or subjective opinion.

Under AR 200-2, proponents are required to budget, schedule, and staff both mitigation enforcement and effectiveness monitoring programs. However, if mitigation is required by law, concerns protected resources, involves no major controversy, is known to be effective, and does not involve changed project conditions, then only an enforcement monitoring program is required.



What Is a Programmatic Document?

Some proposed actions extend over many years or are planned to occur in several diverse settings. Some may consist of a group of related actions occurring in the same place. In such instances, decisions supported by a single NEPA document cannot take into account all local conditions, major events, or milestones.

A programmatic EA or EIS is written to accommodate subsequent milestones or site-specific decisionmaking. Later documents are called “tiers.” Tiers summarize issues discussed in the programmatic document, then concentrate on issues specific to the subsequent action.

A programmatic document serves two types of situations:

- **Serial-decision actions.** The ultimate goal of some proposed actions requires several milestone decisions. For example, this occurs in systems acquisition, which relies on “phases” of development, production, use, and disposal. Ripe decisions are focused on. Already decided or not yet ripe issues are excluded.
- **Geographically dispersed actions.** Many actions are proposed to occur throughout the Army’s vast diversity of installations. While an action may be generally defined, its impacts will be site-specific. For example, a proposal to increase small arms live fire training by 50 percent throughout the Army can be described in general terms. Actual impacts will be measured on a site-specific basis.

AR 200-2 specifically recognizes life cycle environmental documents as appropriate in the research, development, and acquisition community. They may be in the form of either an EA or EIS. They are to be supplemented to address additional significant environmental impacts as conditions change.

How Does the Public Get Involved?

The Council on Environmental Quality Regulations provide for—and the Army welcomes—public participation in the decisionmaking process. There are two very good reasons to seek public input:

- ❑ **Public sentiment.** How a local community feels about your activities is important. NEPA provides an excellent opportunity for local citizens to express their views.
- ❑ **Specialized knowledge.** You should seek all available sources of scientific or technical expertise to challenge or confirm the data and analyses underlying your decisions. On many occasions, the public's specialized knowledge has clearly benefited the Army.

Failure to adhere to public involvement procedures can adversely affect a proposed action's development or implementation. Procedural violations open the way to legal challenge, potential delay, and increased costs.



The amount and type of public involvement you will meet depend on:

- The complexity of the proposed action
- The number of issues
- How many people will be affected directly and indirectly by the action

For any EA or EIS, you will want to prepare a plan on how to involve all affected parties. The plan should address:

- Dissemination of information
- Coordination with relevant local, state, and Federal agencies and organizations
- Public comments and two-way communications channels
- Involvement of public affairs officers

Public participation when you prepare an EIS is important at three junctures:

- **Scoping.** Under the Council on Environmental Quality Regulations, the public participates in framing the scope of environmental studies and in identifying significant issues related to a proposed action.
- **Commenting.** Individuals, groups, and organizations are given at least 45 days after release of a draft EIS or 30 days for an EA to provide comments. You are required to address their comments.
- **Meetings and hearings.** You may conduct a public meeting or hearing after publication of the draft EIS or complex EA.

Chapter 7 of AR 200-2 provides that all potentially affected parties will be involved, when practicable, whenever developing environmental documentation. Develop a plan for identifying them and having them participate in your effort.

What Is the Best Way to

Assemble the Staff?

Preparing an EA or EIS takes teamwork. Coordination is essential. Major staff participants include:

- 1. **Proponent.** The staff member responsible for the preparation of the environmental study is the *key participant* in the NEPA process. Proponents “own” the NEPA document and are best positioned to change the document as the project changes. Installation environmental coordinators are rarely the proponent for a NEPA document.
- 2. **Environmental/NEPA experts.** Environmental affairs and NEPA expertise may be organizationally located in any number of ways within a command. During the NEPA process, it is vital that their expertise be lent to the proponent. Often the proponent must procure contractors to prepare NEPA analyses. Installation environmental staff can provide procurement assistance for, technical review of, and quality control on the NEPA document for the Command.
- 3. **Public affairs officer.** This person is the point of contact for all media inquiries, press releases, and public involvement activities.



- Getting an early start on the NEPA process and keeping yourself informed of progress are your best aids to success.

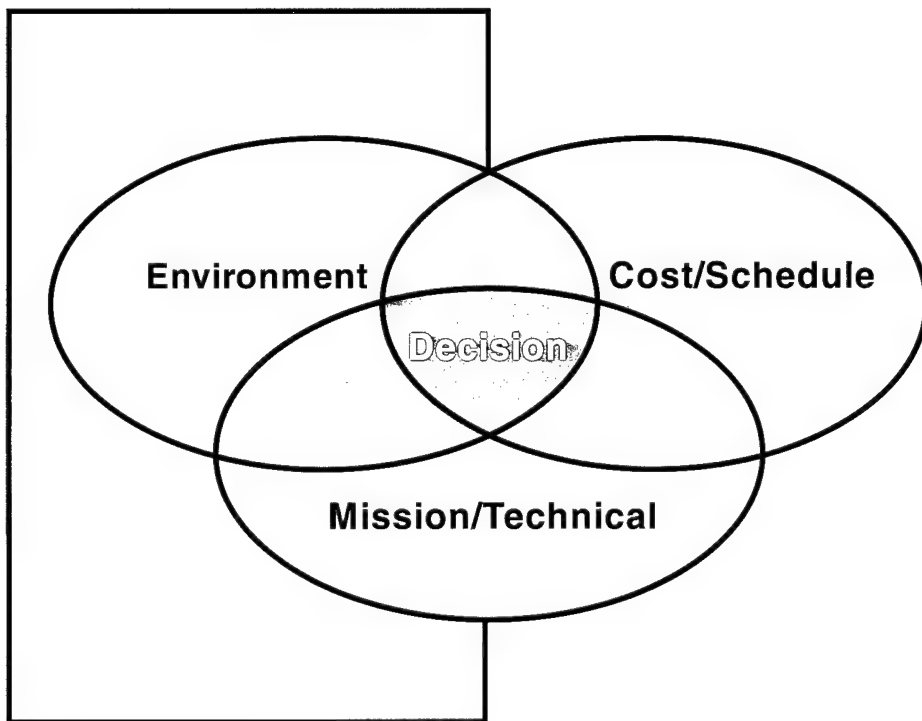
Getting an early start on the NEPA process and keeping yourself informed of progress are your best aids to success.

There is no doubt that the people have been
the victims of a long and cruel oppression and
that the only way to free them is by the
people themselves. The people have been the
victims of a long and cruel oppression and
that the only way to free them is by the
people themselves.

What Sets Documents Apart?

To be useful to making good decisions, NEPA documents must present relevant information in an understandable manner. Consider:

- ❑ **Relevance and adequacy of information.** Insist that NEPA documents contain what you need to know. For a proposal to build 80 units of family housing, you will want to know which is the environmentally preferred site. You will not need 16 pages on the whole base's geological formations.
- ❑ **Analytic logic.** Insist on clear analyses. Do not fall prey to:
 - ▣ Inappropriate comparisons (apples to oranges)
 - ▣ Padding (massive amounts of useless data)
 - ▣ Simple errors ("air emissions will be reduced by 900 percent")



Good NEPA work is, of course, more than just documents. It is an interactive planning process that starts early. It influences the proposed action, seeking to capture opportunities for avoiding adverse impacts.

A good EA or EIS is analytic, not encyclopedic. It contains readable prose that avoids technical jargon wherever possible. The whole effort must answer the question: "What are the impacts of the various alternatives?" You should look for:

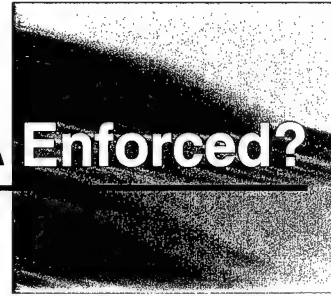
- An executive summary as informative as a decision brief, with:
 - Comparisons of alternatives and their impacts
 - A statement of the environmentally preferred alternative
- A summary of public and agency comments
- Identification and evaluation of mitigation actions and their costs
- Appropriate graphs, maps, diagrams, tables, and figures that complement the text

The NEPA process is designed to reveal information about environmental impacts. That information, along with mission, technical, cost, and other factors, will drive your decision-making. Good NEPA is that which gives you confidence in the quality of your decision.

A good NEPA document rigorously analyzes the alternatives of an action ripe for decision. It helps you make an informed decision. On the other hand, if a NEPA document merely justifies a decision already made, sets up sham alternatives, or is technically weak, it likely will not contribute much to your decisionmaking.

The best environmental studies clearly answer the question: How do the environmental effects that would be caused by the available courses of action compare?

How Is NEPA Enforced?



With NEPA, Congress also created the Council on Environmental Quality to advise Federal officials on carrying out their statutory duties. To that end, in 1978 the Council on Environmental Quality issued regulations on procedures for conducting the studies required by the law. The regulations are published at 40 *Code of Federal Regulations*, sections 1500–1508. Army regulations concerning NEPA are contained in AR 200–2, “Environmental Effects of Army Actions.”

NEPA does not contain criminal provisions. Failure to comply with NEPA does not lead to criminal penalties. As in any endeavor, however, Army leaders cannot be derelict in performing those responsibilities and duties entrusted to them.

A civil court may enjoin a proposed action. This can occur when a plaintiff shows, among other things, that the procedural requirements of the law and the Council on Environmental Quality Regulations have not been met. DOD projects have been stopped and delayed by court action under NEPA.

National security provides no exemption from NEPA. There is no “military exception” defense to failure to meet NEPA’s requirements.



How Can You Improve Compliance?

Your leadership is indispensable to exploiting NEPA's potential.

Your attention to the NEPA process will result in environmentally sensitive planning and NEPA documents that are well founded, well written, and thorough.

Your management skills and leadership will set the pace for keeping the NEPA process on track so that it will be both timely and cost effective.



What About Other Environmental Laws?

The “environment” is an integrated, inseparable whole. NEPA is a tool that helps in the stewardship of vital environmental resources.

Knowing about NEPA—its procedures and its utility—is not enough. You should also bear in mind that there are other relevant environmental statutes. Requirements related to environmental resources may be imposed by Federal or state laws and regulations. Very briefly, the major Federal laws are:

- **The Endangered Species Act.** This law requires Federal agencies to determine the effects of their actions on endangered or threatened species of fish, wildlife, or plants, and critical habitat and to take steps to conserve and protect these species.
- **The Clean Air Act.** This law sets national primary and secondary ambient air quality standards as a framework for pollution control. It requires that new and modified stationary sources of emissions be evaluated so as to prevent a significant deterioration in air quality. It also requires states to develop implementation plans to attain compliance with the pollution standards.
- **The Clean Water Act.** This law sets Federal limits, through the National Pollutant Discharge Elimination System, on the amounts of specific pollutants that are discharged to surface waters so as to restore and maintain the chemical, physical, and biological integrity of the water. Section 404 regulates actions affecting wetlands.

AR 200-1, “Environmental Protection and Enhancement,” furnishes Army policy and guidance on specific environmental media programs related to water, air, and soil resources, as well as special subjects such as hazardous wastes, asbestos, and radon.

- **The Comprehensive Environmental Response, Compensation, and Liability Act and the Superfund Amendments and Reauthorization Act of 1986.** CERCLA, which created "Superfund," establishes a series of programs and measures to clean up hazardous waste disposal and spill sites nationwide. The 1986 amendments made the law applicable to Federal facilities.
- **The Resource Conservation and Recovery Act.** RCRA establishes Federal programs to regulate and manage the treatment, storage, transport, and disposal of nonhazardous solid wastes and hazardous wastes. The law also regulates underground storage tanks.
- **The Toxic Substances Control Act.** This law regulates the use, storage, and disposal of polychlorinated biphenyls (PCBs) and prohibits the production of these compounds after January 1979.
- **The National Historic Preservation Act.** This law requires Federal agencies to determine the effect of their actions on cultural resources and to take certain steps to ensure that these resources are located, identified, evaluated, and protected.

Additional laws, regulations, and executive orders pertain to wetlands, floodplains, coastal resources, archeological resources, pesticides, noise, and asbestos.

The Federal and state laws and their regulations set standards that you must consider. As particular issues arise in evaluating environmental impacts, you will need to refer to the foregoing specific sources.

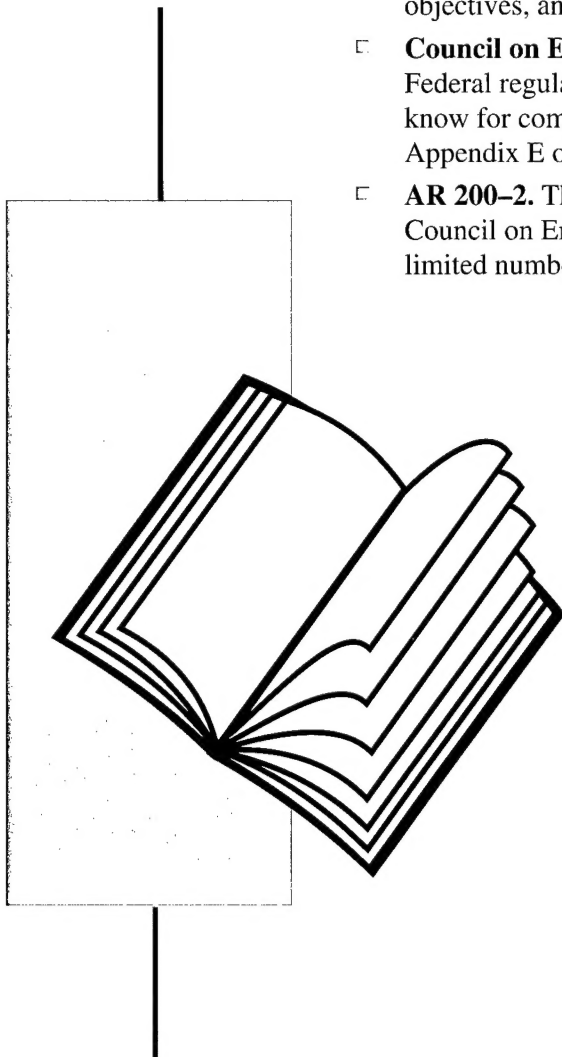


What Are the References?

Like most endeavors, it is easier to perform the NEPA process correctly than to have to redo it. If you have studied the references, you are better prepared to succeed.

There are three essential references to guide you:

- ❑ **NEPA.** Although brief, the text of the statute provides a very comprehensive portrait of national environmental values, objectives, and goals.
- ❑ **Council on Environmental Quality Regulations.** These Federal regulations set forth procedural details you need to know for complying with the statute. They appear in Appendix E of AR 200-2.
- ❑ **AR 200-2.** The Army directive implements NEPA and the Council on Environmental Quality Regulations. It contains a limited number of service-specific requirements.



Capitalizing on NEPA

The majority of environmental obligations incumbent upon Army leaders derive from *rule-based laws* and their regulations. Every installation is subject to numerous permits, mandated protocols, inspections and monitoring, and responses to notices of violation relating to hazardous waste, air quality, and water quality. How resources are used for restoration and compliance efforts is dictated by rule.

In contrast, *NEPA is a planning law*. The rule-based approach is inadequate to address the universe of mission, performance, cost, and schedule issues. NEPA requires Army leaders to exercise great judgment in conserving and preserving the Army's natural resources assets. No single rule-based scheme could be comprehensive enough to integrate land management and mission priorities.

Identifying NEPA as a planning law helps put in perspective how it can best be used. *The purpose of NEPA is not to produce EAs and EISs*. Documents only manifest the process. *Rather, the purpose of NEPA is to foster interdisciplinary planning* and to achieve an informed balance among mission, performance, cost, schedule, and environmental values in decisionmaking.

Widespread political and economic changes require new scrutiny of the armed forces. The Army's future is just now visible. Bases are being closed and realigned, resulting in fewer places to operate and train. Forces are being reduced. No one expects environmental rule-based obligations to decrease. If Army leaders are to prevail in times of increasing internal and external constraints, they must employ every advantageous strategic and tactical maneuver in their leadership and management arsenals. *Army leaders of the 1990s must exploit NEPA.*

NEPA is an extraordinarily useful device. It is a legal requirement but also the smart and right thing to do. At the installation, NEPA can link the post environmental staff, the mission trainers, and others in joint efforts to address natural resources, land use, and mission training and planning issues. Coordinated efforts of an interdisciplinary team will produce efficient and effective alternatives. The Army leader can then make the principal—and possibly critical—decisions.

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